

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN**

In re:

Megan Kurtz,

Case No. 21-11903-cjf
Chapter 7

Debtor.

Megan Kurtz,

Plaintiff,

v.

Ad. Proc. No. 23-00006-cjf

United States Department of Education,
Great Lakes Educational Loan Services, Inc.,
SoFi Lending Corporation, and
Higher Education Loan Authority of the State
of Missouri, a/k/a Mohela,

Defendants.

ANSWER OF SOFI LENDING CORPORATION

Defendant SoFi Lending Corporation (“SoFi”) answers the Complaint of Plaintiff Megan Kurtz (“Plaintiff”) as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. SoFi consents to the entry of final orders by the United States Bankruptcy Court.

6. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations set forth in paragraph 6.

INTRODUCTION

7. Admitted.

GENERAL ALLEGATIONS

8. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 8.

9. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 9.

10. Admitted.

11. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 11.

12. Admitted.

13. Admitted.

14. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 14.

The Student Loans

15. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 15.

16. Admitted that this amount is approximately what Plaintiff owes SoFi.

17. SoFi lacks sufficient information to form a belief as to the truth of the allegations set

forth in paragraph 17.

Education

18. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 18.

19. Admitted.

20. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 20.

21. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 21.

22. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 22.

23. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 23.

24. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 24.

Employment

25. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 25.

26. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 26.

27. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 27.

28. Sofi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 28.

Financial and Life Circumstances – Minimal Standard of Living

29. The allegations in paragraph 29 state a legal conclusion or characterization as to which no response is required.

30. Admitted.

31. The allegations in paragraph 31 state a legal conclusion or characterization as to which no response is required.

32. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 32.

33. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 33.

34. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 34.

35. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 35.

36. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 36.

37. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 37.

38. SoFi lacks sufficient information to form a belief as to the truth of the allegations in paragraph 38.

Future Inability to Repay Student Loans

39. The allegations in paragraph 39 state legal conclusions or characterizations as to which no response is required. To the extent a response is required, denied.

40. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 40.

41. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 41. The allegations in the second and third sentences of paragraph 41 are admitted.

42. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 42.

43. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 43.

44. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 44.

45. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 45.

46. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 46.

47. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 47.

48. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 48.

49. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 49.

50. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 50.

Good Faith Effort to Repay

51. The allegations in paragraph 51 state legal conclusions or characterizations as to which no response is required.

52. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 52.

53. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 53.

54. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 54.

55. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 55.

56. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 56.

57. Sofi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 57.

58. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 58.

59. SoFi lacks sufficient information to form a belief as to the truth of the allegations set forth in paragraph 59.

**CLAIM FOR RELIEF – DETERMINATION OF DISCHARGEABILITY OF STUDENT
LOAN OBLIGATIONS, 11 U.S.C. § 523(a)(8)**

60. SoFi incorporates by reference its responses to the allegations set forth in paragraphs 1 through 59 as if fully set forth herein.

61. The allegations in paragraph 61 state a conclusion of law as to which no response is required. To the extent a response is required, denied.

62. The allegations in paragraph 62 state a conclusion of law as to which no response is required. To the extent a response is required, denied.

Wherefore, Plaintiff is entitled to none of the relief she requests. SoFi demands judgment dismissing Plaintiff's cause of action against it, and for such other and further relief as the Court may deem just, proper and equitable.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.
2. Plaintiff's claims are barred by the doctrines of estoppel and waiver.
3. Plaintiff is not entitled to the undue hardship exception to her obligation to pay her student loans.
4. Plaintiff's debt is excepted from discharge under Sections 523 and 727 of the United States Bankruptcy Code.

Dated: March 27, 2023

Respectfully submitted,

SOFI LENDING CORPORATION

By its attorneys,

/s/ Maxim Marling

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Certificate of Service

I hereby certify that on this 27th day of March 2023, I caused a copy of the foregoing to be served by electronic filing and by first-class mail, postage prepaid on:

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